IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6089 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? :

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SANATAN DHARMA HIGH SCHOOL

Versus

STATE OF GUJARAT

Appearance:

MR ND NANAVATI for Petitioner No. 1

Mr.N.D. Gohil, ASSTT GOVERNMENT PLEADER for Respondent No. 1

RULE SERVED for Respondents No. 2-10

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 27/09/2001

ORAL JUDGEMENT

The present petition is filed by Sanatan Dharma High School through its Managing Trustee. It is filed against the authorities being respondents no.1 to 3 and the teachers as respondents no.4 to 10. The relief sought for is that the judgement and order passed by the Gujarat Secondary Education Tribunal (hereinafter referred to as "the Tribunal"), a copy of which is produced at Annexure 'I' be quashed and set aside. The Tribunal stated in its operative order as under:

"In the result the application is allowed. The impugned order of the DEO dated 25.10.1989 is quashed and set aside. The applicants are declared as continuing as regular teachers in the opponent school and their salaries shall be held admissible for the purpose of grant. It will be open to the opponent school to submit a fresh proposal for class reduction and after following the procedure prescribed in Reg.10A and sec.36(1) of the Act declare any teacher as surplus."

2. Today, when the matter is taken up for hearing, learned advocate appearing for the petitioner submitted that by passage of time, the question of reduction of class does not survive. Not only that, subsequently all these teachers of the present school are taken in service. Therefore, the present petition has become infructuous by passage of time. Learned advocate for the petitioner requests that the Court may observe that the salaries payable to these teachers during the intervening period be considered by the authorities as eligible for grant.

3. This Court has not examined the question on merits. However, it is kept open to the petitioner to make suitable representation to the authorities stating out the facts in detail which the authorities may decide in accordance with law.

4. The petition is disposed of accordingly. Rule is discharged. Interim relief is vacated. No order as to costs.

(Ravi R. Tripathi, J.)

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